

PATENT
730083-2000.2**REMARKS**

Reconsideration and withdrawal of the claim rejections are requested in view of the amendments and remarks that follow.

I. STATUS OF CLAIMS AND FORMAL MATTERS

Claims 14-25 are pending in this application. Claim 14 is amended; claims 15-25 are added to round out the scope of protection to which the Applicants are entitled. The Examiner is thanked for renumbering claim 14 to comply with 37 C.F.R. §1.126.

Support for the amendments and additional claims is found throughout the specification. Specifically, support for the instrument used in the method of claim 14 can be found in the first paragraph on page 11. Support for the language relating to rotatable nodes in claims 14, 19 and 20 can be found in the paragraph bridging pages 5 and 6. This paragraph also contains support for added claims 17 and 24.

Support for the recitation of a catheter can be found in the first paragraph on page 11. This paragraph also contains support for added claims 15-17 and 22-24. Support for a source of light or other electromagnetic radiation, as recited in claims 18 and 25, can be found on page 6, line 9, and in the last paragraph on page 9.

Figure 14 shows a device configured for endarterectomy, however, this device can be modified according to the teachings of the specification to comprise, instead of a balloon catheter, a catheter for delivery of a biologically active compound, as is used in the methods of claims 20 and 21.

It should be noted that the claim language used herein has been selected to mirror that which is found in U.S. Patent No 6,309,345, the parent to this application. No new matter is added by these amendments.

It is submitted that the claims, herewith and as originally presented, are patentably distinct over the prior art cited by the Examiner, and that these claims were in full compliance with the requirements of 35 U.S.C. §112. The amendments of and additions to the claims, as presented herein, are not made for purposes of patentability within the meaning of 35 U.S.C. §§§§ 101, 102, 103 or 112. Rather, these amendments and additions are made simply for clarification and to round out the scope of protection to which Applicants are entitled.

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II. THE REJECTIONS UNDER 35 U.S.C. §112, 2ND PARAGRAPH, ARE OVERCOME

Claim 14 was rejected under 35 U.S.C. §112, second paragraph, as allegedly being indefinite. Claim 14 has been amended to provide proper antecedent basis for "the distal end" (formerly in line 3). Further, "the end" (formerly in line 4) has been removed. Reconsideration and withdrawal of the indefiniteness rejections are requested.

III. THE REJECTION UNDER 35 U.S.C. §102 IS OVERCOME

Claim 14 was rejected under 35 U.S.C. §102(e) as allegedly being anticipated by Mohr, Jr. *et al.*, U.S. Patent No. 5,921,954 ("Mohr"). The rejection is traversed.

The present invention is drawn to the administration of a biologically active substance using an instrument designed to give the operator improved control over the position of the distal end of the instrument. For example, in one embodiment, a catheter for delivering the biologically active substance is mounted on a rotatable node, allowing for movement of the catheter in the X, Y and Z axes, to more precisely deliver the substance to the desired region. In another embodiment, the method employs an instrument having at least one surgical tool, the position of which is also controllable in three dimensions, in addition to the catheter for delivering the biologically active substance. The instrument used in the method optionally includes other components, such as cameras and/or light sources.

Mohr deals with the delivery of collagen through a catheter to treat aneurysms. Mohr suggests that control wires may be present within the catheter to control its overall position; however, there is no teaching or suggestion in Mohr of the administration of a biologically active substance using an instrument having a catheter whose position can be precisely controlled in three dimensions. More specifically, Mohr does not teach mounting any components of the system on a rotatable node, nor does it even suggest that this advance in surgical technology would be desirable.

Therefore, the instant invention is not anticipated by Mohr, and reconsideration and withdrawal of the Section 102 rejection are requested.

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CONCLUSION

The application is believed to be in condition for allowance. Favorable reconsideration of the application and prompt issuance of a Notice of Allowance are solicited.

Respectfully submitted,

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